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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,365	02/27/2004	Patrik Denoth	34097/US	5140

7590 08/17/2007  
David E. Bruhn  
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Minneapolis, MN 55402-1498

EXAMINER
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VU, QUYNH-NHU HOANG

ART UNIT	PAPER NUMBER
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3763

MAIL DATE	DELIVERY MODE
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08/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/789,365

Applicant(s)

DENOETH ET AL.

Examiner

Quynh-Nhu H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Svensson et al. (US 5,098,397)

Svensson discloses a port system comprising: an implantable first fluid guiding system 3 or 11; an external second fluid guiding system 2 or 4 with a connecting head 6, 8 at one end; a percutaneously implantable port for establishing a fluid connection between said fluid guiding systems, said port comprising a port casing 10 which forms a first connecting element; and a connecting device (include 5, 6 and 8) which comprises a second connecting element; wherein said connecting head 8 is fastened to said port casing 10 by a releasable fastening engagement (at zone 9) of said connecting element.

Regarding claims 2-4, the connecting elements are elastically pressed onto each other in said fastening engagement with a pressing force; the connecting elements are moulded such that they press against each other in the fastening engagement, with a first force component parallel to said pressing force and a second force component transverse to the pressing force; the connecting elements latch together in the fastening engagement in a positive lock and frictional lock.

Regarding claims 5-6, one of the connecting elements forms a latching protrusion (at zone 9) comprising the latching collar.

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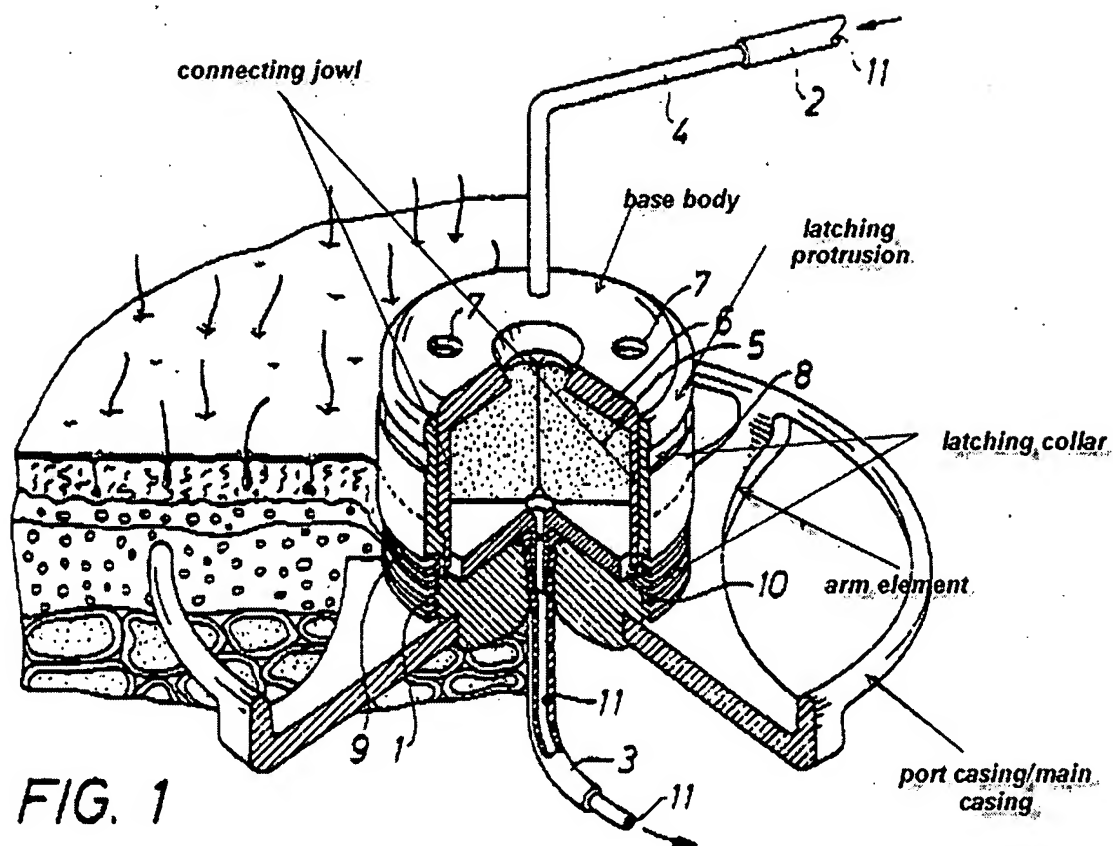
Regarding claim 7, the connecting head comprises a connecting cannula which in the fastening engagement of the connecting elements protrudes into the port casing and is freed from or at least relieved of external force by the fastening engagement.

Regarding claims 8-9, (see Fig. 1 below )the connecting head comprises a base body 6 (a disc-shaped part) and a connecting jowl (the leg part vertically and directly contact with outer cylinder 8) forms the second connecting element.

Regarding claims 10-11, the port casing comprises a main casing (a wheel-shaped at bottom) and a membrane casing 10; wherein the first connecting element is formed by the membrane casing.

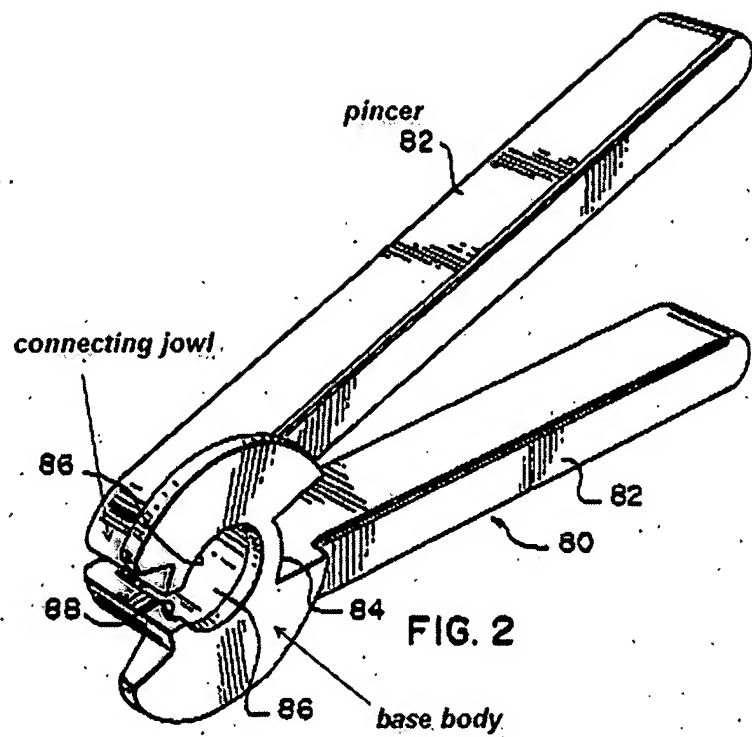
Regarding claims 12-14, (see Fig. 1 below for more details), latching protrusion and latching collar encircle said longitudinal axis of the port casing in curved arc segments; a plurality of arm elements.

Regarding claims 15-18, the connecting head comprises a connecting cannula; a port casing forms a curved guide, the port casing forms an opening funnel.



Claims 19-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (US 4,645,494).

Lee et al. discloses a connecting device comprises a pair of pincers 82 carried on a connecting head of fluid guiding system and further comprises a base body of connecting head and at least one connecting jowl which can be splayed from said base body against a restoring elasticity force (see Fig. 2 below for more details).



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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh-Nhu H. Vu whose telephone number is 571-272-3228. The examiner can normally be reached on 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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QNV

  
LOAN H. THANH  
PRIMARY EXAMINER